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REPORT

OF

EXECUTIVE COMMITTEE

TO

THE DIRECTORS

OF THE

DELAWARE AND RARITAN CANAL

AND THE

CAMDEN AND AMBOY RAILROAD

AND

TRANSPORTATION COMPANIES,

ON THE ACCIDENT OF THE TWENTY-NINTH OF AUGUST, 1855.

APPROVED BY THE JOINT BOARD, AND ORDERED TO BE PRINTED.'

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*Report of the Executive Committee to the Joint Board
of Directors of the Delaware and Raritan Canal and
the Camden and Amboy Railroad and Transportation
Companies.*

BORDENTOWN, September 10, 1855.

GENTLEMEN:—On the morning of the 29th of August, the ten o'clock train from Philadelphia for New York, left, as usual, the Depot at Camden, in charge of Isaac Van Nostrand, one of the most experienced and best conductors in the employ of the Railroad Company. Mr. Van Horn, the agent of the Company, whose duty it is to see that all is right before the train starts from Camden, examined the bell-rope of the ten o'clock train on the morning of the 29th August, a short time previous to its departure from Camden, and found it right.

The train immediately thereafter proceeded to Burlington, where it arrived safely and in time. The 8 o'clock train from New York, which was then due at Burlington, had not made its appearance, having arrived at New Brunswick, behind time. The regulation time of the Philadelphia train at Burlington having expired, and the conductor having ascertained by telegraph, that the New York train had left Bordentown at 10.56 o'clock, he proceeded with the ten o'clock train, as he had done on all previous similar occasions, under the assurance that there was no hazard of collision, because the track was for the most part level and straight, and both trains were known by their

respective conductors to be on the track and approaching each other.

There was no collision.

The result proved that the regulation of the Company was a salutary one, enabling the conductor to expedite his train, without the least danger of collision.

As anticipated, the trains came in sight of each other where the track was straight, and, as usual, they both halted; and the Philadelphia train, blowing its whistle, commenced backing at about the rate of fifteen miles per hour, for the nearest turnout; whilst all the employees of the train were keeping a vigilant look-out for obstructions on the road, and attending to the brakes.

The whistle was repeatedly blown, and the employees steadily engaged watching the track, on which cows had been seen as the train was passing up, until the cross-road where the collision took place was reached; when of a sudden a pair of horses attached to a carriage, were driven at the rate of eight or ten miles an hour on the track, so near the train, as to render it impossible to check its speed, or in any way to prevent the melancholy collision, the fatal results of which are already known to you. From the outside line of the railroad to the car which struck the horses, is twenty-nine feet, which, at the speed of ten miles an hour, would require less than two seconds to pass. How impossible, therefore, is it to devise means for the protection of railroad trains from so sudden and unforeseen obstructions. The safety of the trains can best be secured by requiring all persons, before crossing a railroad, to stop and ascertain whether the road is clear.

The 29th of August was a still day; there was but little wind, and the whistles of both trains, which

were blowing as they saw each other, must have been audible all along the road on which this carriage was traveling from the river, about a mile to the crossing. Besides the repeated blowing of whistles, as sworn to by some of our most respected citizens, from the time the up train first passed the cross road until its return, and the fatal collision occurred ; there was at the crossing a board, with the inscription, "Look out for the locomotive."

The entire truth of the foregoing narrative is, we think, fully, completely, and satisfactorily proved, by the testimony of fourteen reliable men, taken before the Coroner's Jury ; and it does appear to your committee that in all particulars the law of the State and the regulations of the Company were fully complied with by these agents and employees having charge of the trains on the 29th of August. The Coroner's jury, it is true, say that the engineer did not observe the rules and the law respecting blowing the whistle. But they must have rejected the positive testimony of the following witnessess : Samuel S. Stryker, of Trenton ; James Garwood, Dean Swift Read, Charles Alcott, Henry Henner, John R. Rodgers, John Rodgers, Hugh Costill, of Burlington ; Allen Thompson, Lloyd Vanderveer, Prescott Harvey, Israel Adams, Samuel Scott; and Maurice Maxwell, all of whom, except the three last, were entirely disinterested, and unconnected with the Company, whose respectability and position forbid the idea that they could have been mistaken ; to find that the whistle was not blown, because other witnesses did not hear it ; they reject positive proof of the fact, and assert that it did not take place, because others were not cognizant of its occurrence ; this certainly is a most extraordinary conclusion.

The proper look-out on the part of the brakemen,

conductor, and engineer, was observed; the speed was usual and lawful; the warning whistle was sounded; and all due diligence, vigilance, and precaution, were studiously and scrupulously practised. The train had the right to the track, and the engineer and brakemen were on the look-out along the line of the track. There their attention was required and was given. They were not bound to look to the right or to the left, at a distance from the track, nor is it compatible with safety, where there are usually so many cattle on or near the road, that their attention should thus be diverted. Their business is to concentrate their vigilance on the track. But it is quite evident that the scope of their vision, while thus directed, would take in sufficient space to cover all objects within dangerous proximity to the track, except in just such a case as the one now under consideration of headlong, impetuous, reckless velocity, precipitating an obstruction far beyond the scope of their vision, immediately in front of the train.

From such a case of intruding obstruction, unless apprised beforehand of the probability of its occurrence, it seems hardly conceivable how railroad trains, with any degree of vigilance, can protect themselves. Besides, had the brakeman observed the horses and carriage approaching upon the cross road, is it probable he would have deemed it necessary to warn the engineer? Could he have deemed it possible that any sane man, in possession of the senses of hearing and seeing, did not see and hear the train and would not have held up short of the railroad track—especially as the ground (as will be seen by reference to the accompanying diagram) was clear and smooth, and nothing to prevent the driver even after he got close to the railroad, pulling his horses around to the right? “A quick check of the right rein would have thrown his

horses parallel with the track" and avoided all danger. On the contrary, had the brakeman seen the carriage approaching, well knowing that the train had the right to the track, it is not presumable that he would have considered it necessary to give the engineer notice of its approach. If he had seen a cow or horse or other brute animal *controlled only by his own instinct*, on, or approaching the track, he would have attempted to heck, or to accelerate the train. But if he saw at a instance those animals, apparently under the power and *control of human reason*, no danger was fairly to be apprehended. The law of the land, the dictates of common sense, and the demand of the traveling public, alike forbid the necessity of checking the train for every wagon that can be seen in the neighborhood of track. There are two hundred and thirty-seven crossings by streets, public roads, lanes, and private crossings; the loss of one minute at each, would make the passage between New York and Philadelphia eight ours instead of four hours.

There appears to be no reasonable doubt that the train was backing at a rate of speed not unusual or unsafe. This part of the track, it must be remembered, was straight, with new iron rails of sixty-four pounds to the yard, and in perfect order. It had been just passed over by the same train, and the track found safe and clear. Besides, there can be but little doubt that in meeting such obstructions on the road, that a higher rate of speed, which in case of collision would probably sweep the impediment off the road without injury to the train, is much safer than a low rate of speed, which would oblige the train to encounter and embarrass itself with the obstruction, without removing it from the track.

In view of the above facts, the Committee have viewed the regulations of the Company, to ascer-

tain if any, and what, alterations could be suggested for the better protection of the passengers and trains ; and they are constrained to say that they consider the present regulation better than any which has been proposed for running trains on single track roads, and that experience has proved them to be so, even in the recent case of disaster ; because it is evident that it was the driver of the horses who caused the accident.— Was this not so ? Had he been at home, there would have been no accident. He alone is responsible, and the wisdom of the Company's regulations, and the faithfulness of their employees, will stand vindicated before the considerate judgment of an enlightened and moral people.

With this brief narrative of the circumstances attending the melancholy event of the 29th August, as proved before the Coroner's Jury, we might, perhaps with propriety close this report. The subject, however, of safety on railroads is so connected with the feelings and business of our people, that it calls for a few additional remarks from us. To say that the Company is responsible for this accident because they have not built a double track, is to apply a rule to this Company, which is applied to no other companies. There are supposed to be now more than twenty thousand miles of railroad in operation in the United States, and but a small proportion of double track. Roads which carry many more passengers per annum than the Camden & Amboy Railroad have no double track. Even upon the New York and Erie and Hudson River Roads there are not double track through the whole line ; and we are not aware that there is any railroad in this country which is so exclusively appropriated for the carriage of passengers as this road is, that has a double track. It is a fact however, not generally understood, that the Camden and

Amboy Railroad Company have now and have had for many years two separate and independent lines for the transit of passengers between New York and Philadelphia. A portion of their trains pass over one track exclusively, and a portion over the other; and it is well-known that incipient steps have been taken to construct two more tracks between Trenton and New Brunswick; which, including the Philadelphia and Trenton Railroad, will provide additional facilities between New York and Philadelphia: not in the expectation of preventing accidents, but to expedite the transit between the two cities. Nothing but the depressed state of railroad securities in the money market has prevented the prosecution of this work.

It is held however by many, that double tracks are not that guaranty for safety which is claimed for them; the necessity of backing the trains even on double tracks, in many instances cannot be avoided; switches, the most frequent cause of rail road accidents, must necessarily be multiplied. Certainly the statistics of railroad accidents, in Europe as well as in this country seem to favor that idea. It may be added likewise, that on double tracks the temptation to maintain high rates of speed is almost irresistible, and that high rates of speed are not as compatible with safety as low rates. The public demand, with reference to railroad travel, safety, cheapness and speed. Double tracks are indispensable where high rates of speed are in use. But they are not compatible with cheapness or necessary for safety, where a limited number of trains per day are run, as is the case on our road. If lightning from heaven were to strike our cars, it would be as reasonable to say that the company was responsible for the result, because they have not fixed lightning rods to each car, as to say that the company is responsible for the recent accident, because they have

not built a double track. As to the suggestion of placing a gate at each crossing, that can only be done by Legislative authority, and we do not think it would be as safe, as to require every person to halt, and to see that the train is not in sight, before he attempts to cross any railroad, as is the evident intent of the present sign boards required by law.

Every person would in this case have a perfect protection in himself; why diminish it by placing the responsibility elsewhere and upon persons much less interested? As long as wood and iron are so fragile and defective, there can be no absolute safety in traveling at the present speed with which our railroad trains are driven. We would suggest, however, that the best means to obtain the desired safety, would be to alter the whole system of hostile legislation in regard to railroads; to consider them as useful public conveniences entitled to the liberal support and just consideration of the people, and to that protection from the courts and juries which every American freemen has a right to claim; not as nuisances to be reviled without measure and to be libelled and persecuted on all occasions, right or wrong; to make them exclusive; to fence them in from one end to the other; to take the public roads under or over them; to reduce the speed of the trains to twenty-five miles per hour, and to hold all persons trespassers, who without authority from the company go on the road or suffer their cattle to go on it.

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